

Message Text

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PAGE 01 STATE 094660

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TO AMEMBASSY MOSCOW

C O N F I D E N T I A L STATE 094660

FOLLOWING REPEAT GENEVA 2838 ACTION SECSTATE 23 APR

QUOTE

C O N F I D E N T I A L GENEVA 2838

FROM USDEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJ: LOS: CONSULTATIONS WITH SOVIETS ON MARINE

RESEARCH, APRIL 9, 1975

1. IN RESPONSE TO THEIR REQUEST, DELEGATION MEMBERS MET WITH SOVIETS TO DISCUSS L. 26. SOVIETS INDICATED THAT FORMULA "RESEARCH RELATED TO EXPLORATION AND EXPLOITATION" OF RESOURCES COULD BE READ AS "RESEARCH CONCERNING RESOURCES." SOVIETS WENT OUT OF THEIR WAY TO MAKE POINT THAT MOST RESEARCH ON CONTINENTAL SHELF WOULD BE RESOURCE RELATED. WHEN PRESSED AS TO HOW DISAGREEMENTS ON WHETHER RESEARCH WAS OR WAS NOT RESOURCE RELATED WOULD BE RESOLVED, SOVIETS RESPONDED FIRST THAT RESEARCH VESSEL WOULD NOT BEGIN THE PROJECT UNTIL THE ISSUE WAS RESOLVED BUT LATER INDICATED THAT THEY HAD NO POSITION ON THAT QUESTION. SUBSEQUENTLY, THEY STATED THAT THEY COULD ACCEPT DISPUTE SETTLEMENT PROCEDURE.

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PAGE 02 STATE 094660

2. SOVIETS SAID IT WOULD BE NECESSARY TO ELABORATE SOME GUIDELINES FOR DISTINGUISHING BETWEEN RESOURCE RELATED AND NON-RESOURCE RELATED RESEARCH. THEY THEN PROVIDED THE FOLLOWING AS THEIR FIRST TENTATIVE ATTEMPT TO DEFINE RESOURCE RELATED AND NON-RESOURCE RELATED RESEARCH:

QTE 1. WITHIN THE CONOMIC ZONE ESTABLISHED IN ACCORDANCE WITH THIS CONVENTION, MARINE SCIENTIFIC RESEARCH RELATED TO EXPLORATION AND EXPLOITATION OF THE LIVING AND NON-LIVING RESOURCES OF THE ZONE, I.E., THE RESEARCH WHICH MAKES IT POSSIBLE TO LOCATE THE RESOURCES, TO ASSESS THEM, TO SURVEY THE RESERVE OF THE RESOURCES AND ITS AVAILABILITY FOR COMMERCIAL EXPLOITATION AS WELL AS THE RESEARCH CARRIED OUT BY USING EXPLOSIONS AND DRILLING SHALL BE CONDUCTED WITH THE CONSENT OF THE COASTAL STATE.

2. WITHIN THE ECONOMIC ZONE ESTABLISHED IN ACCORDANCE WITH THIS CONVENTION, MARINE SCIENTIFIC RESEARCH NON-RELATED TO EXPLORATION AND EXPLOITATION OF THE LIVING AND NON-LIVING RESOURCES OF THE ZONE, I.E., MARINE SCIENTIFIC RESEARCH WITH THE EXCEPTION OF THOSE REFERRED TO IN PARAGRAPH I OF THIS ARTICLE, SHALL BE CONDUCTED AFTER PRIOR NOTIFICATION. END QTE.

3. COMMENT: DISTINCTION SET FORTH IN L 26, EVEN WITH THE PRELIMINARY DEFINITION CREATES A VAGUE AND AMBIGUOUS DISTINCTION. HOWEVER, IT IMPOSES ON RESEARCH STATE VIRTUALLY ALL THE OBLIGATIONS WE PROPOSED IN L 44 BUT ALSO GIVES COASTAL STATE CONSENT FOR RESEARCH "RELATED TO THE EXPLORATION AND EXPLOITATION OF RESOURCES." THUS, IT SHOULD BE MORE ATTRACTIVE TO DEVELOPING COUNTRIES THAN OUR APPROACH. OUR PRESENT POSTURE IS TO CONTINUE TO SUPPORT STRONGLY L 44 AND TO INQUIRE ABOUT LDC RECEPTION TO L 26 AND CONTINUE TO TREAT SOVIET DISTINCTION AS SEPARATING SCIENTIFIC RESEARCH FROM COMMERCIAL EXPLORATION. SOVIETS, HOWEVER, APPEAR TO TREAT DISTINCTION AS MERELY SCIENTIFIC RESEARCH RELATED TO RESOURCES OR UNRELATED.
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PAGE 03 STATE 094660

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